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February 3, 2012

Honorable Carol B. Amon, Chief Judge
U.S. District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Daniel Capaldo
Criminal Docket No. 95-CR-1155(CBA)

Dear Chief Judge Amon:

As you are aware, Mr. Capaldo is scheduled for sentencing before your Honor on March 2, 2012 on a violation of supervised release. The advisory guideline range based on the Grade B violation is four (4) to ten (10) months.

Mr. Capaldo is respectfully requesting, pursuant to Rule 20 of the Federal Rules of Criminal Procedure, that your Honor direct the Clerk of the Court to transfer the violation of supervised release ("VOSR") to Judge Paul G. Gardephe in the United States District Court for the Southern District of New York.

Mr. Capaldo is scheduled for sentencing before Judge Gardephe on February 28, 2011 at 10:00 a.m. and the defense is requesting a consolidation of the "VOSR" pursuant to Rule 20 with the pending sentencing matters.

The Rule 20 transfer would be in the interests of justice, as well as being a more efficient administration of justice if Mr. Capaldo was sentenced at the same time with the underlying matters.

Additionally, AUSA Allon Lifshitz from the Eastern District of New York, AUSA John Zach from the Southern District of New York, and U.S.P.O. Lawrence Goldman take no position on the request for the transfer of the "VOSR".

Judge Gardephe has issued an Order dated February 2, 2012 to accept the "VOSR" if your Honor would So Order the transfer to the Southern District of New York.

Thank you for your consideration of the above request.

Respectfully submitted,

Vincent J. Romano

VJR/mr
cc: AUSA Allon Lifshitz (Via ECF)
AUSA John Zach (Via E-mail)
USPO Lawrence Goldman (Via E-mail)

This application has to be made by the government with the appropriate proper work So Order
S/CBA
2/6/12